

REMARKS

Reconsideration and withdrawal of the rejections of record is respectfully requested in view of the amendments and remarks contained herein. Claims 63 to 109 remain pending in this application.

35 U.S.C. § 102

Item 5. The Examiner states that “[c]laims 1-3, 5-6, 12-21, 23-30, 32-33, 37,39, 41, 45-51, 53-56, 58, 60-62 are rejected under 35 USC 102(e) as being anticipated by Harvey et al. (US Pat. 5,939,259, August 1999).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. Harvey, however, does not teach such an arrangement

35 U.S.C. § 103

Item 6. The Examiner states that “[c]laims 1-3, 5-6, 12-21, 23-30, 32-33, 37,39, 41, 45-51, 53-56, 58, 60-62 are rejected under 35 USC 103(a) as being unpatentable over Boom et al (5,234,809) in view of Shieh (US Pat. 6,054,039, April 2000).”

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 7. The Examiner states that “[c]laims 1-20, 24-33, 37-41, 44-49, 54-62 are rejected under 35 USC 103(a) as being unpatentable over Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000).”

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 8. The Examiner states that “[c]laims 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boom (5,234,809) in view of Shieh (US Pat. 6,054,039, April 2000) as applied to Claims 1-3, 5-6, 12-21, 23-30, 32-33, 37, 39, 41, 45-51, 53-56, 58, 60-62 above, and further in view of view of Deggerdal (WO 96/18731).”

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 9. The Examiner states that “[c]laims 23 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000) as applied to Claims 1-20, 24-33, 37-41, 44-49, 54-62 above and further in view of Boom (5,234,809).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to

anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 10. The Examiner states that “[c]laims 7, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boom (5,234,809) in view of Shieh (US Pat. 6,054,039, April 2000) as applied in Claims 1-3, 5-6, 12-21, 23-30, 32-33, 37, 39, 41, 45-51, 53-56, 58, 60-62 above and further in view of Su (5,804,684).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 11. The Examiner states that “[c]laims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boom (5,804,684) in view of Shieh (US Pat. 6,054,039, April 2000) as applied to Claims 1-3, 5-6, 12-21, 23-30, 32-33, 37, 39, 41, 45-51, 53-56, 58, 60-62 above or Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000) as applied to Claims 1-20, 24-33, 37-41, 44-49, 54-62 above and further in view of Su (5,804,684).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 12. “[C]laims 22 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boom (5,804,684) in view of Shieh (US Pat. 6,054,039, April 2000) as applied to Claims 1-3, -5-6, 11-21, 23-30, 32-33, 37, 39, 41, 45-51, 53-56, 58, 60-62 above or Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000) as applied to Claims 1-20, 24-33, 37-41, 44-49, 54-62 above and further in view of Sambrook (Molecular Cloning).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 13. The Examiner states that “[c]laims 33 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boom (5,804,684) in view of Shieh (US Pat. 6,054,039, April 2000) or Rupar (US Pat. 6,093,695, July 2000) as applied to Claims 1-3, 5-6, 11-21, 23-30, 32-33, 37, 39, 41, 45-51, 53-56, 58, 60-62 above or Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000) or Rupar (US Pat. 6,093,695, July 2000) as applied to Claims 1-20, 24-33, 37-41, 44-49, 54-62 above and further in view of Arnold (5,599,667).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 14. The Examiner states that “[c]laims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (US Pat. 5,939,259, August 1999) as applied to Claims 7, 31 above in view of Arnold (5,599,667).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

Item 15. The Examiner states that “[c]laim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boom (5,804,684) in view of Shieh (US Pat. 6,054,039, April 2000) or Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000) or Deggerdal (WO 96/18731) in view of Shieh (US Pat. 6,054,039, April 2000) or Rupar (US Pat. 6,093,695, July 2000) and further in view of Arnold (5,599,6667) as applied to claim 33, 35-36 above, and further in view of Hasebe (5,151,345).

It is respectfully pointed out to the Examiner that claims 63 to 109 as added recite a lysing matrix treated with a lysing reagent and a RNA digesting enzyme. For the prior art to anticipate or render obvious these claims, it must teach every element of the aforementioned claim. None of the aforementioned prior art cited by the Examiner teach or suggest such an arrangement.

35 U.S.C. § 103

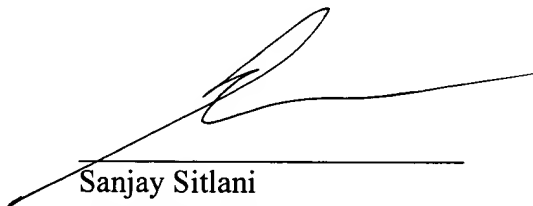
The Examiner states that “[c]laims 1-10, 12-53 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully pointed out to the Examiner that the term "lying reagent" was a typographical error that has been summarily corrected to state "lysing reagent." Furthermore, claims 63 to 109 as added do not contain the indefinite limitation "low concentrations of reagents."

Based on the remarks above, applicant believes all pending claims are in condition for allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone undersigned counsel to arrange for such a conference.

Respectfully submitted,



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Date

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